

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

16086 U.S. PTO
08/29/03

15535 U.S. PTO
10/651824
08/29/03

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|--|---|-----------|------------------|
| In re Application of: |) | | |
| Makower et al. |) | Art Unit: | To Be Determined |
| |) | | |
| Application No.: To Be Determined |) | Examiner: | To Be Determined |
| |) | | |
| Filed: August 29, 2003, Herewith |) | | |
| |) | | |
| For: Method and Apparatus for Blocking |) | | |
| <u>Flow Through Blood Vessels</u> |) | | |

Transmittal of a Divisional Utility Patent Application

Express Mail mailing label no. EV 330332398 US

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith for filing is the divisional utility patent application for "Method and Apparatus for Blocking Flow Through Blood Vessels".

- ☒ The applicant(s) hereby request(s) the filing of the continuation patent application under 37 CFR §1.53(b) is a divisional of application Serial No. 09/117,516, filed January 21, 1999, which is a national phased prosecution before the U.S. Patent Office of International Application PCT/US97/01463, which claims priority to U.S. Provisional Patent Application Serial No. 60/010,614, filed on February 2, 1996, which is a continuation-in part of co-pending U.S. Patent Applications 08/730,327, filed on October 11, 1996 and now issued as U.S. Patent No. 6, 190,353; and 08/730,496, filed on October 11, 1996 and now issued as U.S. Patent No. 5,830,222. No amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.
- ☒ A true copy of the following are enclosed:
 - ☒ the prior application as filed, including all 53 pages of specifications (including 35 pages of written description; 17 pages of claims (Claims 1-88), 1 page of Abstract) and 7 sheets of formal drawings; and
 - ☒ the declaration of inventorship showing the signatures or an indication it was signed.

- Applicant hereby requests that the above-referenced patent application, filed concurrently herewith, **NOT BE PUBLISHED** under 35 U.S.C. §122(b). In making this request, applicants certify that the invention disclosed in the application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at 18 months after filing.
- Please delete the names of the following persons who are not inventors of the invention being claimed in this divisional application:
- Please amend the specification after the granting of a filing date herein by inserting before the first line the sentence: --This is a continuation application Serial No. 09/117,516, filed January 21, 1999, which is a national phased prosecution before the U.S. Patent Office of International Application PCT/US97/01463, which claims priority to U.S. Provisional Patent Application Serial No. 60/010,614, filed on February 2, 1996, which is a continuation-in part of co-pending U.S. Patent Applications 08/730,327, filed on October 11, 1996 and now issued as U.S. Patent No. 6, 190,353; and 08/730,496, filed on October 11, 1996 and now issued as U.S. Patent No. 5,830,222.--
- Please amend the claims by canceling claims 21 - 88.** Applicant will file a subsequent preliminary amendment presenting new claims for prosecution.
- Check No. 3162 covering the filing fee in the amount of \$375.00 accompanies this application, calculated as follows:

| For | (Col. 1) | | (Col. 2) | Small entity | | Other than a | |
|---------------------------------------|-----------|--------|-----------|--------------|--------|--------------|------------------|
| | No. Filed | | No. extra | Rate | Fee | Rate | Small entity Fee |
| Basic fee | | | | | \$ 375 | Or | \$ |
| Total claims | 20 | - 20 = | 0 | x 9 | \$ | Or | x 18 \$ |
| Indep claims | 1 | - 3 = | 0 | x 0 | \$ | Or | x 78 \$ |
| _ Multiple dependent claims presented | | | + 130 | \$ | Or | + 260 | \$ |
| | | | Total | \$375 | Or | Total | \$ |

- An Assignment to TransVascular, Inc. was previously recorded in the parent application Serial No. 09/117,516 on Reel/Frame 9791/0629.
- A Statement of Ownership and Power of Attorney.
- The Commissioner is hereby authorized to charge any underpayment and credit any overpayment of the filing fees required under 37 CFR § 1.16 and any patent application processing fees required under 37 § CFR 1.17 to Deposit Account No. 50-0878.
- Seven (7) formal drawings are enclosed.
- The undersigned is the Applicant's attorney of record in the prior application, and all future communications should be addressed to the undersigned at the new address shown here-below.

- The statement(s) of Small Entity Status filed in the prior application is no longer proper and is hereby withdrawn.
- An information disclosure statement is enclosed.

STOUT, UXA, BUYAN & MULLINS, LLP

Date: August 29, 2003



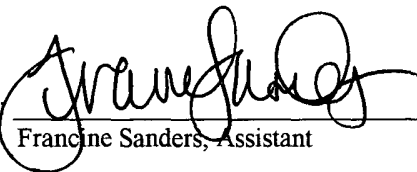
Robert D. Buyan, Reg. No. 32,400

4 Venture, Suite #300
Irvine, CA 92618
Telephone: (949) 450-1750 ext. 213
Facsimile: (949) 450-1764

CERTIFICATE OF MAILING

I hereby certify that this Transmittal letter, the above-identified documents and papers, and a return postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on August 29, 2003 and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 29, 2003

By 
Francine Sanders, Assistant

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